

TITLE 13. CALIFORNIA AIR RESOURCES BOARD

NOTICE OF PUBLIC HEARING TO CONSIDER ADOPTION OF HEAVY-DUTY VEHICLE IDLING EMISSION REDUCTION REQUIREMENTS

The Air Resources Board (the Board or ARB) will conduct a public hearing at the time and place noted below to consider adoption of amendments to the California regulations for 2007 and subsequent model year new heavy-duty diesel engines and vehicles.

DATE: January 22, 2004

TIME: 9:00 a.m.

PLACE: California Environmental Protection Agency
Air Resources Board
1001 I Street
Auditorium, Second Floor
Sacramento, Ca 95814

This item will be considered at a two-day meeting of the Board, which will commence at 9:00 a.m., January 22, 2004, and may continue at 8:30 a.m., January 23, 2004. This item may not be considered until January 23, 2004. Please consult the agenda for the meeting, which will be available at least 10 days before January 22, 2004, to determine the day on which this item will be considered.

This facility is accessible to persons with disabilities. If you have special accommodation or language needs, please contact the ARB's Clerk of the Board at (916) 322-5594 or sdorais@arb.ca.gov as soon as possible.

TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

INFORMATIVE DIGEST OF PROPOSED ACTION AND POLICY STATEMENT OVERVIEW

Sections Affected: Proposed amendment to title 13, California Code of Regulations (CCR), section 1956.8; and the incorporated "California Exhaust Emission Standards and Test Procedures for 2004 and Subsequent Model Heavy-Duty Diesel Engines and Vehicles," adopted December 12, 2002.

Background:

Health and Safety Code (HSC) sections 43013 and 43018 direct the ARB to adopt emission standards for new heavy-duty motor vehicles to achieve maximum feasible emission reductions. HSC section 43104 directs the ARB to adopt test procedures to ensure compliance with those emission standards. Further, in 2000, the Board approved the Diesel Risk Reduction Plan, which recommended tightening emission standards for heavy-duty vehicles beginning in the 2007 model year. The 2003 State and Federal Strategy for the California State Implementation Plan (SIP) also calls for the reduction of reactive organic gases (ROG) and oxides of nitrogen (NO_x) that contribute to both particulate matter (PM) and ozone air pollution.

Exhaust emissions from heavy-duty diesel engines and vehicles have been regulated in California since 1979. With technological advancements and improved engine designs, more stringent standards have been implemented. The 2004 model-year engines, for example, must be certified to 50 percent lower NO_x emissions than 1998 levels. When California's aftertreatment-forcing emission standards become effective in 2007, both NO_x and PM emissions will be reduced by another 90 percent.

While never specifically targeted before, emissions from extended and unnecessary idling pose a significant air quality concern. Idling emissions are particularly significant at locations such as truck stops, travel centers and rest areas where truck drivers stop to rest for long periods of time. Idling emissions are also significant at warehouse/distribution centers and port terminals, where loading and unloading of freight often require long waiting periods. These locations can have a very high concentration of trucks running at idle for an extended period of time, thereby producing highly localized and concentrated emission levels. These emissions affect the health of the drivers, truck stop, warehouse, and ports personnel, and the neighboring community. The health concerns in particular become more serious when these idling hotspots are located in communities that are already impacted by air pollution.

In crafting the proposal, ARB staff met with engine manufacturers and other interested parties in several individual and group conference calls and meetings, including a public workshop on June 4, 2003.

Staff Proposal:

The requirements in this proposal apply to all 2007 and subsequent model year diesel-fueled, on-road heavy-duty engines and vehicles produced for sale in California with a gross vehicle weight rating (GVWR) greater than 14,000 pounds. Excluded are gasoline-fueled heavy-duty engines, heavy-duty engines used in buses, motorhomes, and emergency vehicles.

The proposal requires engine manufacturers to install an idle shutdown system that automatically turns the engine off after 5 minutes of continuous idle operation. The system must be tamper resistant and non-adjustable.

The proposal allows the use of alternative idle reduction devices/strategies in order to provide heating and air conditioning for cab comfort, engine oil heating for easy engine start-up in cold ambient conditions, and electric power to charge batteries and for on-board accessories. Such devices include an automatic stop-start system, on-board auxiliary devices such as fuel-fired heaters and auxiliary power units, and truck stop electrification equipment. The use of these devices, in lieu of operating the truck engine at idle, will result in significant NO_x reductions. Reductions in ROG, carbon monoxide and carbon dioxide are also expected, but to a lesser extent depending on the type of alternative idle reduction device/strategy used.

COMPARABLE FEDERAL REGULATIONS

In January and October 2001, the U.S. EPA and ARB, respectively, adopted new, harmonized exhaust emission standards for new 2007 and subsequent model heavy-duty diesel engines and vehicles. However, there are no comparable federal regulations addressing the idle reductions proposed herein.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSONS

The Board staff has prepared a Staff Report: Initial Statement of Reasons (ISOR) for the Proposed Regulatory Action, which includes a summary of the economic and environmental impacts of the proposal. The report is entitled: "Public Hearing to Consider the Adoption of Heavy-Duty Vehicle Idling Emission Reduction Requirements."

Copies of the Staff Report and the full text of the proposed regulatory language, in underline and strikeout format to allow for comparison with the existing regulations, may be accessed on the ARB's web site listed below, or may be obtained from the Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990 at least 45 days prior to the scheduled hearing (January 22, 2004).

Upon its completion, the Final Statement of Reasons (FSOR) will be available and copies may be requested from the agency contact persons in this notice, or may be accessed on the ARB's web site listed below.

Inquiries concerning the substance of the proposed regulation may be directed to the designated agency contact persons, Mr. Stephan Lemieux, Manager,

On-Road Heavy-Duty Diesel Section, (626) 450-6162, or Mr. Daniel Hawelti, Air Resources Engineer, (626) 450-6149.

Further, the agency representative and designated back-up contact persons to who nonsubstantive inquiries concerning the proposed administrative action may be directed are Artavia Edwards, Manager, Board Administration & Regulatory Coordination Unit, (916) 322-6070, or Alexa Malik, Regulations Coordinator. The Board has compiled a record for this rulemaking action, which includes all the information upon which the proposal is based. This material is available for inspection upon request to the contact persons.

If you are a person with a disability and desire to obtain this document in an alternative format, please contact the ARB's Clerk of the Board at (916) 322-5594 or sdorais@arb.ca.gov as soon as possible. TTY/TDD/Speech-to-Speech users may dial 7-1-1 for the California Relay Service.

This notice, the ISOR and all subsequent regulatory documents, including the FSOR, when completed, are available on the ARB Internet site for this rulemaking at www.arb.ca.gov/regact/hdvidle/hdvidle.htm

COSTS TO PUBLIC AGENCIES AND TO BUSINESSES AND PERSONS AFFECTED

The determinations of the Board's Executive Officer concerning the costs or savings necessarily incurred by public agencies and private persons and businesses in reasonable compliance with the proposed regulations are presented below.

Pursuant to Government Code sections 11346.5(a)(5) and 11346.5(a)(6), the Executive Officer has determined that the proposed regulatory action will not create any significant costs or savings to any state agency or in federal funding to the state, costs or mandate to any local agency or school district whether or not reimbursable by the state pursuant to Part 7 (commencing with section 17500), Division 4, Title 2 of the Government Code, or other nondiscretionary savings to state or local agencies.

In developing this regulatory proposal, the ARB staff evaluated the potential economic impacts on representative private persons or businesses. The ARB is not aware of any significant cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

The Executive Officer has made an initial determination that the proposed regulatory action will not have a significant statewide adverse economic impact

directly affecting businesses, including the ability of California businesses to compete with businesses in other states, or on representative private persons.

In accordance with Government Code section 11346.3, the Executive Officer has determined that the proposed regulatory action will not affect the creation or elimination of jobs within the State of California, the creation of new businesses or elimination of existing businesses within the State of California, or the expansion of businesses currently doing business within the State of California. A detailed assessment of the economic impacts of the proposed regulatory action can be found in the ISOR.

The Executive Officer has also determined, pursuant to title 1, CCR, section 4, that the proposed regulatory action will not significantly affect small businesses. The increase in the purchase price of new trucks with sleeper berths equipped with an alternative idling reduction device will be recaptured through fuel and maintenance savings within a 1- to 3-year period.

Before taking final action on the proposed regulatory action, the Board must determine that no reasonable alternative considered by the agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

SUBMITTAL OF COMMENTS

The public may present comments relating to this matter orally or in writing at the hearing, and in writing or by e-mail before the hearing. To be considered by the Board, written submissions not physically submitted at the hearing must be received **no later than 12:00 noon**, January 21, 2004, and addressed to the following:

Postal mail is to be sent to:

Clerk of the Board
Air Resources Board
1001 I Street, 23rd Floor
Sacramento, California 95814

Electronic mail is to be sent to: hdvidle@listserv.arb.ca.gov and received at the ARB **no later than 12:00 noon**, January 21, 2004.

Facsimile transmissions are to be transmitted to the Clerk of the Board at (916) 322-3928 and received at the ARB **no later than 12:00 noon** January 21, 2004.

The Board requests but does not require that 30 copies of any written statement be submitted and that all written statements be filed at least 10 days prior to the hearing so that ARB staff and Board Members have time to fully consider each comment. The ARB encourages members of the public to bring to the attention of staff in advance of the hearing any suggestions for modification of the proposed regulatory action.

STATUTORY AUTHORITY AND REFERENCES

This regulatory action is proposed under that authority granted in Health and Safety Code, sections 39600, 39601, 43013, 43018, 43101, 43102, 43104, and 43105, and sections 27156, 38390, 38391 and 38395, Vehicle Code. This action is proposed to implement, interpret and make specific sections 39002, 39003, 39500, 43000, 43013, 43017, 43018, 43100, 43101, 43101.5, 43102, 43104, 43105, 43106, 43150-43154, 43202, 43204, 43205.5, 43206, 43205.5, 43206, and 43210-43213, Health and Safety Code.

HEARING PROCEDURES

The public hearing will be conducted in accordance with the California Administrative Procedure Act, Title 2, Division 3, Part 1, Chapter 3.5 (commencing with section 11340) of the Government Code.

Following the public hearing, the Board may adopt the regulatory language as originally proposed, or with non-substantial or grammatical modifications. The Board may also adopt the proposed regulatory language with other modifications if the text as modified is sufficiently related to the originally proposed text that the public was adequately placed on notice that the regulatory language as modified could result from the proposed regulatory action; in such event the full regulatory text, with the modifications clearly indicated, will be made available to the public, for written comment, at least 15 days before it is adopted.

The public may request a copy of the modified regulatory text from the ARB's Public Information Office, Air Resources Board, 1001 I Street, Visitors and Environmental Services Center, 1st Floor, Sacramento, CA 95814, (916) 322-2990.

CALIFORNIA AIR RESOURCES BOARD

/s/

Catherine Witherspoon
Executive Officer

Date: November 25, 2003

The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs see our Website at www.arb.ca.gov.